IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6341 of 2007()

[CRIME NO.377/07 OF ANTHIKAD POLICE]

: ACCUSED NOS.2 AND 3:

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1. BHARATHAN, S/O.AYYAPPAN, PARAKKAL HOUSE, PAZHUVIL DESOM, KURUMBILAVU VILLAGE, THRISSUR TALUK.

2. JITHU M.V., AGED 23, S/O.VINAYAN, MOOTHERY HOUSE, PAZHUVIL DESOM, KURUMBILAVU VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: COMPLAINANT;

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, ANTHIKAD POLICE STATION THROUGH THE PUBLIC PROSECUTOR , HIGH COURT OF' KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6341 of 2007

Dated this the 22nd day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 and 3. Originally there was only one accused arrayed. Subsequently, the petitioners have been arrayed as accused. The crime has been registered on the basis of the private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. The principal accused, that is the first accused, was granted anticipatory bail as per order dated 01/10/2007 in B.A.No.5771/2007.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners herein can also be granted anticipatory bail subject to appropriate terms and conditions. I am not adverting to facts in any greater detail in this order. This order must be read in continuation of the order dated 01/10/2007.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 29/10/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only)

each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 30/10/2007 and 31/10/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 29/10/2007, they shall be released from custody on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 29/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007